

THE THRESHOLD OF ADULTHOOD (11)

in judgment on his own son, a young man of twenty-one, 692
 for committing adultery with the wife of a man of a former
 slave family. The husband brought the case against the
 chief's son, and the chief ordered the man to speak truly and
 not be afraid. The case was heard amid the most deathly
 silence. In awarding a heavy penalty of compensation against
 his son, the chief spoke of the central position of law in Ngoni
 life, and of the fact, so sharply brought out by the case, that
 the law was no respecter of persons. [684]
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Young adults, boys and girls, were held personally responsible 672
 for breaches of the law which they had committed. Penalties
 were awarded against them as individuals, even though they
 often could not pay the compensation without the help of their
 father and his family. They were expected to become acquainted
 with the law in various ways. One was by conformity to
 accepted social codes of behaviour, instilled into them by
 their elders, particularly in such matters as sex relations,
 respect for property, avoidance of slander and of injury by
 violence. Another way of learning how the law operated, as
 well as the principles upon which the case-law was built, was
 by attending the courts, and listening carefully to the cross-
 examinations as well as to the judgments. [695]
 Young people were expected also to ask their fathers, and
 elders generally, about points of law which they had not
 understood, or had confused with some of the practices of the
 local people. The onus was upon young adults for acquiring
 this knowledge of the law as well as for behaving in accordance
 with it. We shall see in the next chapter how the Ngoni
 regarded being law-abiding as one of their basic cultural [577]
 traits, as well as being evidence of the individual character
 of a young adult.

Ngoni traditional skills

We made a distinction, albeit a rather tentative one, at the 128
 beginning of this chapter between certain kinds of traditional
 knowledge which we have been describing up to this

sorrow, it is not necessarily always so, for loud wailing and tears are appropriate at the death of all neighbours and kinsfolk, whether friends or enemies. Men do not usually seek the companionship of their wives at dances and beer parties, although there are some men who do. In our own society we think of a man earning his living in company with other men, but spending his leisure with his wife. By contrast Ngoni men work in the gardens with their wives but seek other company for recreation.

7. Divorce

The relationship between husband and wife can be terminated by death or by divorce. If one spouse dies, then his or her interest in the marriage is guarded by the surviving kinsfolk, and we shall deal with their actions in our next chapter as part of the intervention of affines in a marriage. In divorce, however, except in cases of desertion, both husband and wife are themselves involved and it is primarily by their own actions, rather than by the actions of their kinsmen, that the marriage is terminated.

While a marriage is established without reference to the Ngoni state organization, except in so far as the issue of a marriage certificate is concerned, divorce more frequently involves resort to the Native courts. It is possible to effect divorce without taking the matter to the court, and in the past, before the growth of the Native Authority bureaucracy had begun, many people were divorced in the village. Kinsfolk of the two parties meet together in the village of one or other party, discuss the marriage, and agree among themselves that the couple are to be divorced. The formal act of divorce is made by the couple shaking hands with each other, while those present tell them to stop hating each other. The woman is told 'if this man comes as a traveller to your house, and asks for water, do not refuse him'.

It is more usual for a divorce to be referred to the court. Attempts are made by the kinsfolk to resolve the quarrel, if quarrel there is, and when the attempts fail, the group seeking the divorce or hoping to get damages from the other side take the matter to the county Native Court. It is open to either the man or the woman to take the initiative in this matter. The court hears the case, awards damages as appropriate, and, if it thinks fit, declares the couple divorced. The formal act of shaking hands is sometimes performed in court, but is often dispensed with.

Divorce takes place in the village only when there is substantial agreement on both sides that it would be a mistake to allow the marriage to continue. The meeting of kinsfolk in the village may reach agreement about the return of the legalization payment or even the award of damages, but it is only the court that has power to enforce decisions of this kind, and it is to the court that disputants turn when they cannot agree. When a man wishes to divorce his wife on the ground of her adultery he usually does so through the

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602 that he was drunk when he quarrelled with his wife and did not mean what he said, the woman may agree to return. If she is adamant, or if a serious issue such as cruelty or adultery is involved, a formal discussion is held in the village of one or the other. Relatives come from both sides and a man of senior status convenes the meeting.¹⁹ Sometimes it may be agreed that the offending spouse must pay nominal damages to the other. The usual procedure is to offer a chicken to the other, but sometimes a few shillings are given instead. If agreement cannot be reached at a meeting like this, the matter can either be referred to the court, or else the issue of the quarrel may be left unresolved in the hope that at some later date a solution may be possible. While the initiative in holding a village meeting lies with the senior relatives of the couple, the only people who can take the matter to the court are the couple themselves. A father may sometimes handle the formalities of laying a case against his son-in-law on his daughter's behalf but it would be difficult for him to do so without her co-operation, and, on the man's side, it is only he and not his father or brother who can effectively sue his wife.

The interests of the two groups of relatives are centred on the successful maintenance of the marriage. It is considered more important that people should live together in peace without quarrelling than that the exact rights of one side or the other, even where these rights can be defined precisely, should be upheld.

[684] A man who commits adultery may be censured by his father, who will perhaps refuse to speak to his son if he thinks that the stability of his son's marriage is threatened, even though it is admitted that the man's wife has no legal right to object to her husband's adultery. When there has been a quarrel people do not rush to hold a village meeting since, by doing so, the existence of the quarrel is formally recognized and its seriousness increased. It is better if possible to get the couple to 'change their character', that is, to become reconciled to each other on their own account. Until the woman's sudden departure indicates to the world that they have quarrelled, relatives are reluctant to interfere between man and wife. People gossip about the quarrels of married couples, but even their close kinsmen will hedge and say that these affairs are not their responsibility if pressed for an opinion. The action of the wife in running away is the mechanism by which she begins her appeal to her relatives for support, and she carries it a stage further by refusing to accept her husband's apologies. Finally if the settlement proposed at the meeting is not acceptable she appeals to the court. Men do not run away to their kinsmen and do not rely on relatives to the same extent as do their wives. Yet a man can if he wishes

[192] ¹⁹ *Tanda*. This word is used of any formal meeting in a village to settle a quarrel, matrimonial or otherwise, before the issue is referred to the court. Cf. *Nanga ku-tandala*, to talk or discuss.